

PTO/SB/21 (12-07)

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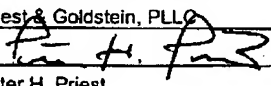
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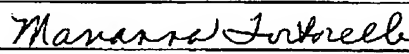
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/577,279	
	Filing Date	Apr 25, 2006	
	First Named Inventor	Hatta, Naoki	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	8	Attorney Docket Number	133.0014

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**FEB 5 - 2008**

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration and Power of Attorney PTO 2038 Credit Card Form
Remarks Also enclosed is a copy of the Notice of Missing Requirements.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Priest & Goldstein, PLLC		
Signature			
Printed name	Peter H. Priest		
Date	February 5, 2008	Reg. No.	30210

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted 571-273-8300 to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Marianna Tortorelli	Date	February 5, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Hatta, et al.

FEB 5 - 2008

Application No.: 10/577,279

Filed: 04/25/2006

Attorney Docket No.: 133.0014  
F-2026USTitle: Cathode Material for Secondary  
Battery, Method for Producing  
Cathode Material for Secondary  
Battery and Secondary BatteryRESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATIONCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(f). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

( x ) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed declaration.

( ) Statutory basic filing fee ( ) Utility ( ) Design

( ) Additional claim fees of \$

(X) Missing Parts Surcharge \$130.00

( ) A Petition for Extension of Time for reply to Notice of Missing Parts is attached.

( ) one month (\$120.00)  
( ) two months (\$460.00)  
( ) three months (\$1,050.00)  
( ) four months (\$1,640.00)

02/11/2008 GFREY1 00000053 10577279

01 FC:1617

130.00 DP

Respectfully submitted,

By

  
Peter H. Priest

Reg. No. 30210

Date: February 5, 2008

Telephone No.: 919-806-1600 x1

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**FEB 5 - 2008**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/577,279	Naoki Hatta	1330014F2026US

27997  
PRIEST & GOLDSTEIN PLLC  
5015 SOUTHPARK DRIVE  
SUITE 230  
DURHAM, NC 27713-7736

INTERNATIONAL APPLICATION NO.

PCT/JP04/15836

I.A. FILING DATE	PRIORITY DATE
10/26/2004	10/27/2003

**CONFIRMATION NO. 2841**  
**371 FORMALITIES LETTER**



Date Mailed: 12/28/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 04/25/2006
- English Translation of the IA filed on 04/25/2006
- Copy of the International Search Report filed on 04/25/2006
- Copy of IPE Report filed on 04/25/2006
- Oath or Declaration filed on 04/25/2006
- U.S. Basic National Fees filed on 04/25/2006
- Priority Documents filed on 04/25/2006
- Specification filed on 04/25/2006
- Claims filed on 04/25/2006
- Abstracts filed on 04/25/2006
- Drawings filed on 04/25/2006

Reminder  
Dates: 02/28/08  
Attorney: PJP  
File No.: 133,0014  
Docketed: mt

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

page 1 of 2

FORM PCT/DO/EO/905 (371 Formalities Notice)

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAYA L LEWIS BALTIMORE

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Telephone: (703) 308-9140 EXT 202